

vote...majority vote to advance the bill. But before you today you don't see the seats filled with Commonwealth depositors, you don't see those individuals across the state that have suffered as a result of this, but they are there. And I can tell you in the faces of these people, mostly old people, there is deep hurt and anguish. And, until we right this wrong, that anguish will continue and again live in our state's history as an infamous moment that we must right.

SPEAKER BARRETT: Thank you. Senator Landis, please.

SENATOR LANDIS: Third verse. The Commonwealth issue is back again and will continue to be here. And I suppose, for those of you who are just coming to this issue afresh, you may wonder, why don't the Commonwealth depositors simply sue the state, get a judgment. If they are owed this money why don't they go to court? If there's been some wrongdoing, if I have wrongdoing visited on me, I go to court for vindication, why don't they do the same? As a matter of fact, if in your own lifetime you are treated to the fraudulent behavior of those that you have a right to rely on and they misrepresent things and place you at their detriment, that could be obtaining money under false pretenses, it could be a form of fraud. Your remedy would be to go to court. But because the State of Nebraska would be the one that would be sued, because we would be the defendant, and because the State of Nebraska also gets to write the rules, there is a little paragraph in the statute that keeps the depositors from winning a lawsuit. If you've got your statute books by your sides, if you want to pull them out, it is Volume 5, and in Volume 5 it is page 818, it is Section 81-8219 which is the state claims mechanism, how you sue the state for recovery if the state has wronged you. As a matter of fact, we pass a bill here every year with people who have been wronged by the state and for whom we grant relief in the form of some payment of money from our claims board. We've been moving it through Final Reading, I think it is there now, it's 778, I believe, this year is the number. But you won't find any Commonwealth depositors in that list of people that the state has wronged, that we are pay this year, because of this provision, this little subsection (a). The provisions of this act, which are meant to reimburse people for the wrongdoing of the state, shall not apply to, and I'll just read you the basic provision here, "to any claim based on an act, or exercise, or performance, or failure to exercise to perform a discretionary function, or duty on the part of a state agency, or an employee of the state whether or not the discretion was abused." You